

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IRIS FELICIANO,

Plaintiff,

v.

COCA-COLA REFRESHMENTS
USA, INC., d/b/a,
COCA-COLA REFRESHMENTS,
Defendant.

CIVIL ACTION NO. 17-942

FILED

DEC 13 2017

KATE BARKMAN, Clerk
By _____ Dep. Clerk

ORDER

AND NOW, this 13th day of December 2017, upon consideration of the Complaint,

Defendant's Motion to Dismiss the Complaint (Doc. No. 8), and the Opposition and Reply thereto, and in accordance with the memorandum opinion issued this day, it is hereby

ORDERED that the Motion to dismiss (Doc. No. 8) is **GRANTED IN PART** and **DENIED IN PART** as follows:

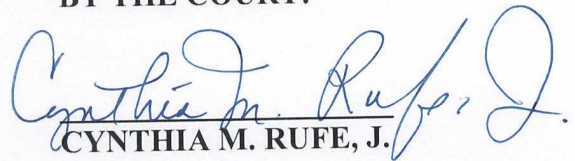
1. Defendant's Motion is **DENIED** with respect to Plaintiff's gender discrimination and retaliation claims under Title VII of the Civil Rights Act of 1964, which are contained in Count I of the Complaint.
2. Defendant's Motion is **GRANTED** with respect to Plaintiff's discrimination and retaliation claims under the Americans with Disabilities Act, and Count II of the Complaint is **DISMISSED WITHOUT PREJUDICE**.
3. Defendant's Motion is **GRANTED** with respect to Plaintiff's claims under the Pennsylvania Human Rights Act, and Count III of the Complaint is **DISMISSED WITHOUT PREJUDICE**.

4. Defendant's Motion is **DENIED** with respect to Plaintiff's interference claim under the Family ("FMLA"), which are contained in Count IV of the Complaint.
5. Defendant's Motion is **GRANTED** with respect to Plaintiff's retaliation claim under the FMLA, and Count IV of the Complaint is **DISMISSED WITHOUT PREJUDICE** with respect to only the FMLA retaliation claim.

It is **FURTHER ORDERED** that Plaintiff is granted leave to an amended complaint consistent with the limitations set forth in the accompanying memorandum opinion on or before **January 15, 2018**. If Plaintiff does not file an amended complaint within that time, Defendant is directed to file an answer to the remaining claims in the Complaint on or before **January 29, 2018**.

It is so **ORDERED**.

BY THE COURT:


CYNTHIA M. RUFÉ, J.